



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

March 10, 2015  
1503-VU-03 & 1503-VS-03  
Exhibit 1

**Petition Number:** 1503-VU-03 & 1503-VS-03

**Subject Site Address:** 228 Park Street (the "Property")

**Petitioner:** Scott Wolf (the "Petitioner")

**Request:** The petitioner is requesting approval for a Variance of Use and associated Variances of Development Standard to allow a new parking lot in the MF1: Multi-Family Low Density District (*Chapter 13: Use Table*).

**Current Zoning:** MF1: Multi-Family Low Density District

**Current Land Use:** Residential/Vacant

**Approximate Acreage:** 0.28 acre +/-

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application
4. Proposed Site Plan

**Staff Reviewer:** Kevin M. Todd, Senior Planner

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**Property Information**

The subject property is approximately 0.28 acre +/- in size and is located on the north side of Park Street, approximate 225 feet west of Mill Street (see [Exhibit 2](#)). The Property is zoned MF1: Multi-Family Low Density District. The property is located in a redeveloping part of Downtown Westfield. Adjacent property to the north, south, east and west are residentially-used. Nearby property to the northeast and southeast have been converted from residential uses to commercial uses. It is anticipated that both sides of Park Street will convert from residential to commercial uses over time.

**Petition History**

This petition will receive a public hearing at the March 10, 2015, Board of Zoning Appeals meeting.

**Analysis**

This petition request is to allow a 28-space parking lot to be constructed on the Property. Over the past year, two buildings on the south side of Park Street have been converted from residential (or residential accessory) structures to restaurants. Plans for a third residential building on Park Street to convert to a



restaurant are currently being reviewed by the City – the specific parking lot in question would serve this new restaurant. It is envisioned that all of Park Street (on both sides of the street, from Mill Street to U.S. 31) will redevelop into non-residential uses over time. Park Street is physically too narrow to accommodate on-street parking, and there is no plan or desire for the City to widen the street in order to accommodate additional on-street parking. As Downtown Westfield continues to redevelop, it is acknowledged that additional public parking will be needed. The Grand Junction Implementation Plan, 2013 (an addendum to the Comprehensive Plan) identifies the need for downtown public parking (including the possibility of multiple parking garage structures). However, until a comprehensive downtown parking plan is formalized and implemented, a series of temporary surface parking lots may very likely serve as an interim solution. The proposed parking lot would help serve this purpose by alleviating immediate parking needs caused by a new Park Street restaurant.

It is anticipated that the proposed parking lot would be temporary, meaning that the Property would only have a parking lot until a greater parking solution for that part of downtown is fully planned and implemented. After the parking plan has been implemented, the subject parking lot would no longer be needed. At that time, it is anticipated that the Property would then redevelop in a manner that is similar to and consistent with the rest of Park Street.

This proposal has been reviewed by the Grand Junction Task Group and has received their support.

Details of the Variance Requests:

Variance of Use. The Property is currently zoned MF-1, and Commercial Parking Lots are not a permitted use in that zoning district (Article 13.2, Use Table).

Variances of Development Standard. As depicted in the petitioner's plans, the proposed temporary parking lot would be gravel and the existing perimeter trees would be maintained. However, because of the temporary nature of the parking lot, many of the substantial improvements that would otherwise be required by the City's Unified Development Ordinance may not be warranted for this project at this time. As a result, the following development standard variances are requested:

1. That all U.S. Highway 31 Overlay District standards not apply (Article 5.2);
2. That all Landscaping Standards not apply (Article 6.8);
3. That the parking area not be required to be paved (Article 6.14, G (7) (a));
4. That the parking area not be required to be curbed (Article 6.14, G (7) (b));
5. That the MF-1 open space requirements not apply (Article 8.6);
6. That the Perimeter/External Pedestrian Network Standards not apply (Article 8.7, D);
7. That the Street and Right-of-Way Standards not apply (Article 8.9); and,
8. That Development Plan Review approval authority is delegated to the Economic and Community Development Department Staff (Article 10.7, D).



### **Procedural**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the March 10, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Conditions:** The UDO<sup>1</sup> and Indiana Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

**Acknowledgement of Variance:** If the Board of Zoning Appeals approves this petition, then the UDO<sup>2</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

**Variance of Use:** The Board of Zoning Appeals shall approve or deny variances of land use from the terms of the UDO. A variance of land use may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Plan.

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<sup>1</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>2</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

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**Recommendation**

The area around the subject property is actively being redeveloped in accordance with the Comprehensive Plan (and its subsequent amendments for Downtown Westfield, aka Grand Junction), and as a result of these new economic development opportunities, there is an emerging need for additional downtown parking. The City is actively working on an overall, comprehensive parking plan for Grand Junction, but current development trends are causing the need for more immediate solutions – even if they are temporary solutions. For these reasons, the Department supports the proposed temporary parking lot on the subject property.

The Department recommends approval of 1503-VU-03 and 1503-VS-03 with the following conditions and findings:

**Recommended Conditions:**

1. That landscaping be installed and/or maintained as generally depicted on the submitted concept plan (see Exhibit 4);
2. That a six (6) foot wood privacy fence be installed and maintained on any common property line(s) of residentially-used property to the north, west, and east of the subject property; and,
3. That approval of these variances (1503-VU-03 and 1503-VS-03) shall expire on April 1, 2020. Any request to extend the time limit of these variances shall be reviewed and approved by the Board of Zoning Appeals prior to April 1, 2020.



Recommended Findings for Variance of Use (1503-VU-03):

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The proposed use should help alleviate parking problems in this part of Downtown Westfield as there are not enough nearby, existing on-street or off-street parking spaces to support the trending economic development activity in this quadrant of downtown.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. Further economic activity on Park Street is anticipated, and as the street redevelops, parking needs will increase.

3. *The need for the variance arises from some condition peculiar to the property involved.*

**Finding:** Recent and current re-use of nearby properties from residential to commercial uses warrant parking in the area. The property's proximity to redevelopment projects offers nearby parking for a new re-use project across the street.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

**Finding:** The current MF-1 zoning district would not permit a stand-alone commercial parking lot. However, parking is needed in the area because of recent and current re-use of nearby properties from residential to commercial uses.

5. *The approval does not interfere substantially with the comprehensive plan.*

**Finding:** Redevelopment is occurring in a manner that is consistent with the Comprehensive Plan and the approval of a temporary parking lot would not interfere with that plan.



Recommended Findings for Variances of Development Standards (1503-VS-03):

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variances of development standards would be injurious to the public health, safety, morals, and general welfare of the community. The proposed parking lot should help alleviate parking problems in this part of Downtown Westfield as there are not enough nearby, existing on-street or off-street parking spaces to support the trending economic development activity in this quadrant of downtown.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. Further economic activity on Park Street is anticipated, and as the street redevelops, parking needs will increase.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** The development standards would require significant improvements to be made to the parking lot in order to comply with the zoning rules. Higher investment in a temporary parking situation could frustrate the ultimate goal of redeveloping the property for an economic-generating use.